19 41

Department of Revenue

OFFICE Board of Revenue

STATION Madras

Issue No. 2391

Dated 29 - 8

DESPATCHED
1 SEP 1941

ges in the file CF 42
nil 6

(SUBJECT.

Subj- S. Kamara - Petition Dt. [illegible] C.
[illegible] Excise Rules 1937 - appeals
pending change said - filed in the Revenue
Court Mama Pyeo was [illegible] defence Bench
remarks submitted

Rushie Note

To AS(R)

The current below arises from a Writ notice given by a Printing Press in respect of arrears due on the [illegible] of electoral rolls (District Board etc) for the yr. 1937.

Elections is not a subject dealt with in C Section but stray cases relating to Petitions for elections are read in the Section. Writs and Writ notices on subjects which are not assigned to particular Sections, are dealt with in A Section (A2). [Further Local Bds is a subject of A Section] The case may be ordered to be dealt with in A Section

31/3 Advocate

Shall deal with this

31/3

Ref.A3-6698-40. South Kanara Collector's Office,
Mangalore, dated 25 - 3 - 1941.

From

M. V. Subrahmanyan Esq., I.C.S.,
Collector of South Kanara.

To

The Secretary to Government,
Public (Elections) Department
M a d r a s.

1/4 AP 141

Through

The Secretary to the Board,
Land Revenue & Irrigation,
M a d r a s.

Sir,

Elections - Electoral rolls - 1937 - Final rolls - Provincial Legislatures -Puttur Registration area -arrears of claim -Harihara Press, Puttur - suit notice.

I enclose herewith a copy of the suit notice received by me on behalf of Sri H. Subraya Kamath, Manager of the Harihara Press, Puttur. A sum of Rs. 2322-3-8 was claimed by him as printing charges of the final electoral rolls for the year 1937 relating to the General, Muhammadan and Indian Christian constituencies of the Puttur Revenue Divisional Registration area. The bill was duly certified by the Revenue Divisional Officer, Puttur and was sent to the Superintendent, Government Press by this office for payment, with specimen copies of rolls relating to the General, Muhammadan and Indian Christian Constituencies of the Legislative Assembly for the Puttur Registration area and the Dt.Board rolls relating to this area together with the Panchayat Board rolls for Kasargod Taluk. Out of the amount claimed in the bill, the Superintendent allowed only a sum of Rs. 1766-12-0. He did not pass the remaining amount on the ground that the amount was not claimed with specimen copies. He requested the Collector to inform the printer to prepare

and forward a consolidated bill in duplicate together with printed specimens for Panchayat Board rolls at Re.0-8-0 a page and for Rs. 6-4-0 being the charges for claims and objections statement form, heading slips etc. Accordingly in this office D.Dis. 2230-1937 dated 29-10-1938, the Manager was requested to send up a supplemental bill. In response to this, the Manager of the Press stated that he had already sent the specimen copies when the claim was originally made by him. He has been requesting the payment of the balance due to him from time to time without preferring a supplemental bill for the same after enclosing specimen copies as desired by the Superintendent. The Manager now threatens to sue the Government if the balance is not paid to him urgently alleging that he had already produced all the requisite specimen copies in the first instance and he produces an extract from his tappal register in support of this contention. The Revenue Divisional Officer states that the specimen copies of the rolls in respect of the panchayat areas of Puttur Taluk (except those relating to the Kalanja, Laila and Ujre Panchayats) and of the claims and objection forms and heading slips were not received by him. A supplemental bill could not be prepared in this office as the bill for the amount was sent in original to the Superintendent, Government Press and as the information supplied by the Superintendent in response to this office Ref.A3-6698-40 /, dated 2-12-40 does not enable this office to differentiate completely the details for the paid off items from those relating to the non-paid off ones for which the claim has now been made.

2815 (M)

As the Manager of the Press persisted in not preferring a supplemental bill and as the repeated efforts on the part of this office to secure compliance with the Superintendent's letter were of no avail, the Superintendent was requested to pay the balance urgently. Along with this letter printed copies of Panchayat Board rolls relating to the Puttur Registration area obtained from the Dt, Panchayat Officer, South

Kanara were also enclosed. In reply to this letter the Superintendent stated that no fresh order of payment could be issued on the original bill and that any supplemental claim should be supported by proper bill and specimen vouchers. He however, suggested that a supplemental bill might be prepared in duplicate with reference to the original claim as passed by him and the same forwarded to him with the remaining specimen copies relating to Kasargod Taluk and of for claims and objections statement and Heading slips for scrutiny and payment. The specimen copies of the Panchayat Board rolls relating to the Kasargod Taluk were sent to the Superintendent, Government Press with this office Ref.A3-2230-38 dated 17-8-38 and the specimen copies of forms, claims and objections statement and Heading slips are not available either in the office of the Revenue Divisional officer, Puttur or in that of the Dt.Board. There is no use asking the Manager of the Press again to supply the specimen copies. Hence I am not able to comply with the suggestion of the Superintendent, Government Press.

I consulted the Government Pleader, Mangalore whether there is case for the Government if the threatened suit is actually filed. The Government Pleader states as follows: 'It is clear that the Manager has not been paid for the printing of the Panchayat Board rolls. If this is correct, I do not think any informality in the manner of the presentation of his claim will exonerate the Government from payment for work actually done.'

I therefore request that the balance of Rs. 555-7-8 (2322-3-8 minus 1766-12-0) may be sanctioned to be paid to the printer.

The records mentioned below are sent herewith for reference and return.

1. D.Dis. 2230-37 (Vol.VII).

2. D.Dis. 7359-38. (E)

3. D.Dis. 4805-39. (G)

For Collector.

25.3.41

5

Puttur, S.K.,

24th January 1941.

To

The Collector of

South Kanara.

Honoured sir,

I have the honour to state that I am instructed by my client Mr. H. Subraya Kamath, Manager of the Harihara Press, Puttur, South Kanara to intimate to you that complete payment of printing the electoral rolls of 1937 as contracted between the Revenue Divisional Officer, Puttur, as representing the Provincial Government of Madras and the said Mr. H. Subraya Kamath is not yet made. The act of printing and supplying copies of electoral rolls, billing for the charges, clearing the defects and answering querries etc. was done more than two years ago., though ----- correspondence between my client and the representatives of ----- Government have continued up to the 24th of November 1940. A part payment (Rs.1766.12.0) of the amount due to my client was made only on 31st October 1938. My client already intimated to the Divisional Officer and to you that the rates contracted for are to be disbursed to him literally as he suffered sheer loss by the bargain. He also claimed interest on the amount billed for as there was no prompt payment. My client represented to you his grievances in detail specially in his communications dated the 3rd October 1938 and the 26th September 1940 leaving alone other requests.

2. The balance due to my client from Government is Rs.556.7.8. In purchasing materials for printing the electoral rolls my client had to pay heavy rate of interest to his creditors Hence he is also entitled to interest from Government at least at 6¼ per cent per annum on the full claim of Rs.2,222.8.8.

3. In the present state of my client's circumstances, he is unable to forego this least rate of interest and to allow the claim to be time-barred.

4. If the remaining principal amount due to my client with

interest on it or on the amount already paid up to the date of payment is not forth coming within two months from the receipt of this notice, my client will be constrained to file a civil suit against the Province of Madras, to recover the money due to him with costs he will have to incur.

5. I request that you may be pleased to take this representation as a notice contemplated by section 80 of the Civil Procedure Code, 1908.

I have &c.,

Sd/- H. Ganapath
I Grade Pleader,
Puttur, S.Kanara.

(True Copy)

For Collector.

25.3.41.

C.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined ..		
When signed ..		
When despatched.		

SUBJECT:— Elections — South Kaua, Electoral rolls 1939 — Final Rolls — Provincial Legislatures and the local boards — Butler registration area — Arrears of printing charges

READ AGAIN _____, dated _____ 19__

" " _____ " _____ 19__

READ *ALSO*:— Letter Notice by the Hon. the Minister Butler.—

No. _____ From the _____, No. _____, dated _____ 19__

A. 1139/41 " Clk of S. Kaua A2-6/98/40 d 28/3/41 19__

" _____ " _____ " _____ " _____ 19__

Order / Resolution — Ms. / Rout. No. Ref A1139/41-1 dated 3-4-1941

Submitted to the Govt. of the Local Supports H.A. Colln's &c. Committee.

1. To the Secy to Govt Public (Election) Dept. with records as per list at ff 3-4 of and with the duplicate copies of Clk's letter and first notice in original & copy to the Clk of S. Kaua

Note
The Board is not concerned with lists or

2

Suit notices in regard to elections to Provincial Legislatures or to the local bodies like the Boards or the Municipalities. The Govt should have addressed the Govt of India in the matter.

B

2/4 2/4 2/4 2/4

B This relates to pending & next more elections

2/4

OFFICE OF THE BOARD OF REVENUE
A 1770
19 MAY 1941
C 3144

GOVERNMENT OF MADRAS

PUBLIC (ELECTIONS) DEPARTMENT

SECY.
19 MAY 1941

MEMORANDUM No. 11021/41-2, dated 15th May 1941.

ELECTORAL ROLLS - Provincial Legislature - Annual revision, 1937 - Printing charges - Suit notice by Manager, Hari Hara Press, Puttur - Ref. Letter from the Collector of South Kanara, Ref. A3-6698/40, dated 25-3-1941.

===

A copy of the letter from the Superintendent, Government Press, No.P.P.712, dated 6-5-1941, with its enclosure, is forwarded to the Collector of South Kanara. In the circumstances explained by the Superintendent, Government Press, the Collector is requested to state whether he still considers that the claim of the printer for the payment of Rs.555-7-8 should be admitted. He is also requested to report whether the Revenue Divisional Officer, Puttur, took any agreement from the printer in regard to the rates, etc. to be paid to him for the execution of the work and, if so, whether the claim of the printer is based on these rates. The reply to this reference should be submitted through the Board of Revenue.

S.V.Ramamurty,
Chief Secretary to Government.

To
The Collector of South Kanara with enc.
Copy to the Board of Revenue

Forwarded
By order

Letter No.P.P.712, dated 6-5-1941, from the Superintendent, Government Press.

ELECTORAL ROLLS - Provincial Legislature - Annual Revision, 1937 - Printing at private press - Hari Hara Press, Puthur - Suit Notice by Manager - Claims - Public (Elections) Department.

*****

Ref: Public (Elections) Department Endorsement No. 11021-1, dated 5-4-1941.

With reference to the above, I have the honour to state that the claim of the Hari Hara Press, Puthur for Rs.2322-3-8 was correctly passed for payment for Rs.1,766-12-0 after scrutiny with reference to the actual appearing matter and the permissible maximum rate as fixed by Government in their Public (Elections) Department Memorandum No.3604-2, dated the 8th February 1938.

2.Full details of claims for the printing work done by the press as preferred by it and passed by this office are given below.*

* Vide Statement attached.

3.From the particulars given it may be noted that only in the case of the last four items the claims of the printer were completely disallowed for the reason that in the case of Claim and objection statement and Heading slips the specimens required for checking the bill were not sent as such the contingent charges were inadmissible. In other cases the short admittance of the claims of the printer was due to one or the other following causes.

(1) Excess claims with reference to the actual number of appearing pages.
(2) Wrong claims under Double column printing instead of single column printing.
(3) Mingling of claims pertaining to different type sizes.
(4) Claims above the maximum rate fixed by Government in respect of alteration of heading to local boards.

4.As under Note 3 to Public (Elections) Department Memorandum No.3604-2, dated 8th February 1934 as all charges for folding, gathering, etc. are to be taken as included in the cost per page, the separate claims of the printer in respect of these items were disallowed, but he has been given the maximum rate per page as fixed by Government instead of lower rates claimed by the printer.

5.Under the circumstances, so far as the bill under reference is concerned, it has completely been settled except for the last four items amounting to Rs.15-1-6. The last item, Contingent charges is inadmissible. If Government are pleased to admit the charges for the three other items, viz., Rs.9-8-0 without specimen, I have no objection.

6.Any supplemental claim will arise only in cases of fresh items of work done by him but not included in the present bill for Rs.2322-3-8 under reference. If there be any the printer should prefer his claim separately supported by vouchers for work done by him but not already claimed in the above bill for my scrutiny and issue of pay order.

7.The enclosures received with the reference are herewith returned.

S T A T E M E N T.

Details of work	Number of pages claimed by the printer	Number of pages found by actual count in the Govt. Press and admitted.	Rate per page claimed by the press	Rate per page admitted by the Govt. Press.	Total Claimed by the press.	Total Admitted by the Govt. Press.
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
A.Puthur Taluk.						
1. General Consty.	262 D.Col.	246 D.Col.	1 12 0	1 14 0	45 8 8 0	463 2 0
" Supplemental	6¼ " F.C.Quarto	6¼ " F.C.Quarto	0 14 0	0 15 0	5 11 0	6 1 6
Alteration of heading Dt.Board	184	184	0 6 0	0 2 0	69 0 0	23 0 0
Binding charges	--	--	---	---	60 13 1	nil
2. Muhammadan	190 G.Primer D.Col. F.C. quarto	42 G.P. D.Col.F.C. quarto	0 14 0	0 15 0	166 4 0	39 6 0
		126 Single Col.E.Body F.C.quarto	- do -	- do -	---	94 8 0
	4 - do -	4 D.Col. G.Primer F.C.Quarto	- do -	- do -	3 8 0	3 12 0
Alteration of heading for Dt.Board	184	184	0 4 0	0 2 0	46 0 0	23 0 0
Gathering, collating etc.	--	--	---	---	36 11 0	nil

(1)	(2)	(3)	(4)	(5)	(6)	(7)
3. Indian Christian	191 G.Primer D.Col. F.C. quarto	16 G.Primer D.Col.	0 14 0	0 15 0	167 2 0	15 0 0
		116 E.Body S.Column				87 0 0
	2 D.Col. G.Primer	2 D.Col. G.Primer	0 14 0	0 15 0	1 12 0	1 14 0
Alteration of heading for Dt.Board	184	184	0 4 0	0 2 0	46 0 0	23 0 0
Gathering, etc.	--	--	---	---	36 11 0	nil
B.Kasargod Taluk						
1. General	290 G.Primer	278 G.Primer	1 12 0	1 14 0	507 8 0	521 11 6
	1 F.& quarto	1 F.C. quarto	0 14 0	0 15 0	0 14 0	0 15 0
Alterations	114	114	0 6 0	0 2 0	42 12 0	14 4 0
Gathering, etc.	---	---	---	---	58 9 7	nil
2. Muhammadan	169½ G.P.	152¾	1 12 0	1 14 0	296 10 0	286 6 6
	1 G.P.F.C. quarto	1 G.P.F.C. quarto	0 14 0	0 15 0	0 14 0	0 15 0
Alterations	91	114	0 6 0	0 2 0	34 2 0	14 4 0
Gathering, etc.	23	---	0 4 0	--	5 12 0	--
	--	---	--	--	37 7 6	nil
3. Indian Christian	115 G.P.F.C. 4to D.Col.	7 G.P.F.C. 4to D.Col.	0 14 0	0 15 0	100 10 0	6 9 0
		82 Eng.Body S.Col.F.C. quarto		0 12 0		61 8 0
	1 G.P.F.C. quarto D.Col.	1 G.P.F.C. quarto D.Col.	0 14 0	0 15 0	0 14 0	0 15 0
Alterations, etc.	114	114	0 4 0	0 2 0	28 8 0	14 4 0
Gathering	---	--	--	--	29 5 0	nil
				Total	2241 14 2	1701 7 6

TOTAL

Details	Claimed by the Press.			Admitted by the Govt. Press.		
	Rs.	a.	p.	Rs.	a.	p.
Carried over	2241	14	2	1701	7	6
Paper cost	65	4	0	65	4	0
Claim and objection statement for the Indian Legislative Assembly	3	4	0	nil		
- do - - do -	3	4	0	nil		
Heading slips for Kasargod Taluk	3	0	0	nil		
Contingent charges	5	9	6	nil		
Grand total --	2322	3	8	1766	11	6

C.F. 98.

Revenue DEPARTMENT

REMINDER. L. R Branch.

To THE Collector of Kanara

I ~~have the honour to invite~~ / am directed to invite attention to Govt memo invite.

No. 11021 / Public Elections (spl) / 41-2, dated 15-5-41 and

to request that the reply to it may be expedited

~~request that this reminder may be returned at once~~ with information as to—

1) the stage at which the matter now is, &

(2) the date by which a reply may be expected, and

(3) ~~the circumstances which have caused the delay.~~

Office Bd of Rev

Station Madras

Dated 23-6-41

K. Gopalachari
Signature.

Senior Supdt
Designation.

SUBJECT.

Elections - S. Kanara - Electoral rolls - Annual revision 1937 - Printing charges suit noticed by Manager, Hari Hara Press. Pattur - remarks.

REPLY.

To THE Secretary Bd. of Rev. L. R. I. 9. Madras.

28 JUN 1941

A suit has been filed in the matter and it stands posted to 3-10-1941 The report called for in the Government Memo will be sent along with the report to the Board applying for sanction for the defence of the suit and I shall send my report in a month's time

For collector

Issd 1/7/41

Subs:- Electrns (S. Kanara) Electoral Rolls 1937.
Arrears of forwarding charges - Suit ~~notice~~ filed
~~given~~ by the Manager, Hari Hara ~~Printing~~
Press, Puttur - ~~Facilities~~ report submitted

Govt Memo 11021/41-2 (Public Electrns deptt) dt 15-5-41 (Q) p94-

Ltr Collr of S. Kanara Lr. No nil dt 26.6.41 (A) p15cf

Ref A 1139-41-2 dt 3-7-41

submitted to the Govt for information

3/7

KG 3/7/41

3.7

4/3/41 3/7 DA

DESPATCHED
5 JUL 1

Pressed @ 3 cts
4/7/41

TO
The Secy to Govt Public (Elections) deptt

Copy of letter from M.V. Subrahmanyan, Esq., I.C.S.,
Collector of South Kanara, Ref.No.A3-6698-40
dated 24th July, 1941.

Sir,

Suits - Puttur District Munsif's Court - O.S.180/41 - Elections - Electoral Rolls, 1937 - Final Rolls - Provincial - Legislature - Printing charges - Arrears of payment.

Government Memorandum No.11021/41-2, Public (Elections) Department, dated the 15th May, 1941.

The letter P.P.712, dated 6.5.1941 of the Superintendent, Government Press received with the above Government Memorandum has now given an entirely different aspect to the matter in question. The amount claimed by the Printer and that allowed by the Superintendent are stated below as mentioned in the statement accompanying the Superintendent's letter.--

	Claimed by the Printer.	Admitted by the Government Press.
1. Printing charges	Rs. 2241-14-2	Rs. 1701 7 6
2. Paper cost.	65 4 0	65 4 0
3. Claim and objection statement for the Indian Legislative Assembly	3 4 0	Nil.
4. Do.	3 4 0	Nil.
5. Heading slips for Kasaragod Taluk.	3 0 0	Nil.
6. Contingent charges.	5 9 6	Nil.
	2322 3 8	1766 11 6

Para 3 of the Surerintendent's letter shows the reasons for the difference between the sum of Rs.2241-14-2 claimed and Rs.1701-7-6- (Item 1) allowed. The only items that were not fully paid are the last four items. The last

viz., Rs. 5.9.6 claimed as contingent charges was inadmissible (please see para 5 of the Superintendent s letter). Items 3 to 5 were disallowed by the Superintendent (para 5 of the Superintendent's letter) apparently for the reasons specified in the Superintendent's letter P.P.712, dated 26.10.1938 (page 2813 of this Office D. Dis.2230/37, Volume VII). The Revenue Divisional Officer, Puttur did not take any agreement from the printer in regard to the rates, etc. to be paid to him for the execution of the work. The crux of the case is that there was only one bill sent up in which all the claims were included, the claims were scrutinised and allowed to the extent admissible, but a separate supplemental bill was called for, with proper information only in regard to certain items which totalled up to Rs. 15.1.6 (items 3 to 6 in the tabular statement above,) that of these one item (item6) is inadmissible, and the question of payment will arise only in respect of the remaining amount of Rs.9.8.0.

The printer has filed a suit in the District Munsif's Court, Puttur and it stands posted to 3.10.1941. A copy of the plaint is enclosed. A draft written statement was prepared in the office on the lines indicated above and sent to the Government Pleader, Mangalore for scrutiny. The Government Pleader, in his letter Ref.A.510-41, dated 12.7.1941, (copy enclosed) stated that the claim had been rejected not for non-conformity to any formality by the plaintiff but because the rates allowed by the Superintendent were in accordance with the Government Notification dated 8.2.1938 and that as payment was made in accordance with the rates prescribed a month later and not according to the rates obtaining on the day of contract,

the suit could not be defended successfully except the claim for interest. In this office Ref.A3-6698-40, dated 17.7.1941, it was pointed to the Government Pleader that the statement accompanying the Superintendent's letter P.P.712, dated 6.5.1941, showed that the rates adopted by the Superintendent were in most cases higher than the rates claimed by the plaintiff and that the claims were cut down because of mistakes in the claim of the kind set out in para 3 of the Superintendent's above letter and the Government Pleader was requested to offer his further remarks. In his reply Ref.A.525-41, dated 18.7.1941 (copy enclosed) the Government Pleader reiterates that it is difficult to resist the contention of the plaintiff that he is entitled to demand payment according to the Government rates prevailing at the time the offer was made to him and that if the present claim is right on that footing, no useful purpose would be served by defending the action. I do not think that there is very much point in the Government Pleader's opinion. The important thing is that the claims on the bill had been made by the plaintiff himslef and he cannot be heard to say how that he was entitled to any different rates and the presumption of the Government pleader that there were any such rates is hypothetical. I enclose herewith a draft written statement a s drafted in this office and recommend that the suit may be defended.

The records mentioned below are enclosed for reference and return:--

(1) D.Dis. 2230/37, Volume VII.

(2) D.Dis. 7359/1938.

(3) D.Dis.4805/39.

(4) Revenue Divisional Officer's D.Dis. 3140/37, Volume V.

Copy of letter Ref.No.A.510/41, dated 12th July 1941 from the Government Pleader and Public Prosecutor, Mangalore to the Collector of South Kanara.

Suits - Puttur District Munsif's Court - O.S.No.180 of 1941 - Elections - Electoral Rolls 1937 - Final rolls - Provincial Legislature - Printing Charges - Arrears of payment.

Ref:- Your Ref.A.3. 6698/40, dated 9th July, 1941.

What appeared to be the point of dispute on the last occasion the papers were referred to me, was whether the payment of Rs.555-7-8 to the plaintiff for the printing o. .he Panchayat Rolls could be refused for nonsubmission of the specimen forms and slips - vide Office Note II of 21-10-1940. It is now seen that the amount disallowed on this ground is only about Rs.15-1-6. The rest of the claim has been rejected not for non-conformity to any formality by the plaintiff, but because the rates allowed by the Superintendent were in accordance with the Government notification of 8-2-1938. The plaintiff claims that he is entitled to payment according to the rates prescribed by the Government as obtaining on the date of the contract viz., 7-1-1938. Hence the real issue in the case centres on the rates governing the contract between the parties. Now no formal agreement as such seems to have been entered into; but the offer of the Revenue Divisional Officer in his letter of 6-1-38 and the acceptance by the Plaintiff by his reply of 7-1-1938 are enough to constitute the contract. In his letter the Revenue Divisional Officer promised payment "in accordance with the rates prescribed by the Government". This can relate only to rates then obtaining, and not rates that may be fixed thereafter. The Superintendent apparently is of opinion that the Plaintiff is entitled to payment at the rates prescribed a month later. But this position is hardly defensible. One party to a contract cannot by a unilateral notification vary

the terms of the contract he has entered into. If the offer of the Revenue Divisional Officer was that payment would be made in accordance with rates to be prescribed by the Government it would of course be different. As this is the pith and substance of the case, it is advisable that the matter may be reconsidered. I venture to doubt whether the suit could be defended successfully except the claim for interest. Pending reconsideration, the Pleader for Government at Puttur may be asked to take time for the written statement.

All the enclosures and the draft statement are returned.

A.S.R./29-8.

Copy of letter Ref. No. A.525/41, dated 18th July 1941, from the Government Pleader and Public Prosecutor, Mangalore to the Collector of South Kanara.

Suits - Puttur District Munsiff's Court -O.S.180/1941- Elections - Electoral rolls - 1937 - Final rolls- Provincial Legislature - Printing charges - Arrears of payment.

Your Ref. A.3-6698/1940 dated 17th July, 1941.

I had perused the letter of the Superintendent of 6-5-41 at the time I sent my last letter; and I had also noticed that in some cases the rates allowed on some items were higher than the rates claimed. But as I stated in my last letter the real question in the case relates to the rate at which the plaintiff is entitled to payment; Is it the rate obtaining on the day of the contract or on 8-2-1938? It is difficult to resist the contention of the Plaintiff that he is entitled to demand payment according to the Government rates prevailing at the time the offer was made to him. If the present claim is right on that footing - and the Superintendent may be asked to verify - then I do not think any useful purpose would be served by defending the action except to the extent stated by me, alleging payment at a subsequent day's rate, even though on some items payment may have been made at a rate much higher than that claimed.

All the enclosures are returned.

IN THE COURT OF THE DISTRICT MUNSIFF, PUTTUR.

O.S. No. 180/1941.

Between

H. Subraya Kamath ... Plaintiff

Versus

The Province of Madras ... Defendant.

***

Under Section 26 and Rule 1 to 7 of Order VII of the Code of Civil Procedure, 1908.

Plaintiff states as follows:-

1. That plaintiff, H. Subraya Kamath, Son of H. Ganapathi Rau and Manager of Hari Hara Press at Puttur, resides in -- Puttur village, Puttur taluk.

His address for service is "Manager, Hari Hara Press, Puttur, Puttur Post, South Kanara".

2. That defendant is the Province of Madras represented by the Collector of South Kanara District, Mangalore Post.

3(a). That the plaintiff has been conducting a printing press styled, "Hari Hara Press, Puttur, S.K." for a considerab time and brings this action as manager thereof.

(b) That the defendant, though his agent, the Revenue Divisional officer, Puttur, S.K., entered into a pure and simple contract by correspondence dated the 6th and 7th January 1938 with the plaintiff. Under the contract, the plaintiff was asked by the Revenue Divisional Officer, Puttur, to print the Electoral Rolls, relating to the General, -- Mudammadan and Christian Constituencies of Puttur Registration area of the Madras Legislative Assembly for 1937 according to manuscript copies and printing paper to be furnished by the Revenue Divisional Officer. The printing work was to be finished by the end of February 1938. The contract entered into between and defendant was incapable of variations and fluctuations. According to the said contract, the defendant consented to pay plaintiff for the work done at the then current rates prescribed by Government.

(c) That in the course of printing the electoral rolls, various suggestions, instructions and alterations made by the Revenue Divisional Officer, Puttur were piously observed, though not bound to do so in the interest of public service a good deal of correspondence passing between the plaintiff and the Revenue Divisional Officer. The paper supplied being insufficient in quantity, plaintiff used his own paper by consent. The printing of electoral rolls was completed and the required clean printed copies were furnished to the defendant's agent in time. The work was flatly accepted by the defendant's agent.

(d) That the plaintiff furnished the defendant's agent on the 28th July 1938 with the detailed revised bills dated 1-7-1938 with specimen copies of all the printed electoral roll as the original bills were returned for correction. -- According to original contract, plaintiff was not bound to furnish specimen copies. But plaintiff furnished specimen copies with a view to obtain payment as early as possible.

(e) That payment of the bill was unduly delayed and after a good deal of correspondence by post and telegram, out of Rs.2322-3-8 billed for, and due to plaintiff, a sum of Rs.1766-12-0 was only paid to the plaintiff on the 31st October 1938 and the balance of Rs.555-7-8 has never reached the hands of the plaintiff. Representations and grievances of the plaintiff were urged before the Revenue Divisional Officer, Collector of the District and the Superintendent, Government Press, Madras for payment of the balance, but none has heeded the cry of the plaintiff.

(f) That plaintiff, a very poor printer had to invest money in purchasing printing materials and paper by borrowing and he had to pay heavy rate of interest. As the defendant delayed payment, never made promptly and fully to plaintiff and compelled plaintiff to waste postage and telegram charges for the unnecessary and uncalled for correspondence plaintiff has

undergone a great loss in the bargain. The anticipated profit was counter balanced by the loss. Hence plaintiff claims interest at the least possible rate over the dues by way of damages.

(g) That it would appear that the rates prescribed by Government for printing work have been reduced since the contract and plaintiff smells an offer of payment at the reduced rates. Plaintiff urges that he has not consented to receive the price of work done at the reduced rates nor is he bound to do so.

(h). That it is apparent that the defendent fights shy of the payment of the printing charges on another ground that fresh bills have to be drawn up at the reduced rates with another set of specimen copies of printed electoral rolls. This idea is impossible of performance as the plaintiff already handed over one complete set of printed electoral rolls on the 28th July 1938 to the Revenue Divisional Officer with the bills and as he has not retained a second set. As all the printed electoral rolls were duly published and as the manuscript copies are still with the defendant there need be no further proof that the electoral rolls were duly printed by the plaintiff.

(i). That as the defendant is unduly delaying the complete payment to the plaintiff for no fault of the plaintiff, plaintiff is entitled to the full claim of printing and other charges minus the amount already received, with the rate of interest claimed below on the full claim from the date of finishing the work.

(j). That though plaintiff issued a legal notice to the defendant under Section 80 of the Civil Procedure Code, the claim has not been met by the defendant.

4 (a). That the cause of action for this suit arose on the 1st March 1938 at Puttur within the jurisdiction of this court.

(b) That as there was an interim part payment of the claim on the 31st October 1938, this claim is not time-barred under section 20 of the Indian Limitation Act 1908.

5. That plaintiff values the claim made at Rs.743-9-0 for purposes of court fees and jurisdiction.

6 (i). That plaintiff therefore prays for decree and judgment directing defendants to pay to the plaintiff out of the assets of the Provincial Government of Madras.

(a). Principal of Rs.	2322--3--8
(b). Interest on this amount at 6¼ p.c. per annum from 1-3-38 up to 31-10-38.	96-12--0
Total ...	2418-15--8
(c). Deduct the amount received on 31-10-38.	1766-12--0
Balance ...	652--3--8
(d) Add interest on balance principal Rs.555-7-8 from 1-11-38 uptodate.	89-12--4
(e) Cost of legal notice ...	1--9--0
Total...	743--9--0

(ii). Directing defendant to pay the said total sum of Rs.743-9-0 and court costs with future interest on both the items at the said rate to the plaintiff,

and

(iii). Granting to plaintiff such other and consequential relief as the court may deem fit to grant.

IN THE COURT OF THE DISTRICT MUNSIF, PUTTUR.

O.S. No. 180/41

BETWEEN

H. Subraya Kamath ---- Plaintiff

A N D

The Province of Madras ... Defendant.

***

Written Statement of the defendant.

The defendant begs to state as follows:--

The defendant denies that any contract was executed by the Plaintiff. The Revenue Divisional Officer, Puttur in his letter dated 6-1-1938 asked the plaintiff whether he was willing to undertake the work of printing the electoral rolls of the General, Muhammadan and the Indian Christian Constituencies of the Madras Legislative Assembly for the Puttur Registration area for 1937 in accordance with the rates prescribed by the Government and in his reply dated 7-1-1938, the Plaintiff undertook to execute the work.

2. The defendant submits that the cost of paper have been paid to the plaintiff. The plaintiff did not furnish specimen copies of the Panchayat Boards rolls of Puttur Taluk and of forms, claims and objection statement relating to these rolls.

3. Only one bill for Rs.2322-3-8 was preferred by the plaintiff. This amount included the cost of printing Panchayat Board rolls also. A sum of Rs.1766-12-0 out of the above amount was paid to the plaintiff. The charges for printing the electoral rolls for Panchayat Boards were not allowed as specimen copies of the same had not been enclosed with the bill. The plaintiff was therefore asked to prepare and send a consolidated bill in duplicate together with printed specimens of Panchayat Board rolls, at 0-8-0 a page and for Rs.6-4-0 being the charges for claims and objections statement form, heading slips, etc. which had been disallowed for want of specimens. The amount disallowed for

for the above reasons was Rs.15-1-6 as specified below:-

Claim and objection statement for the Indian Legislative Assembly	...	Rs.3-4-0
Do.	...	3-4-0
Heading slips for Kasaragod Taluk	...	3-0-0
Contingent charges	...	5-9-6
		15-1-6

Out of the balance of Rs.2307-2-2, a sum of Rs.1766-11-6 or Rs.1766-12-0 which includes the cost of paper of Rs.65-4-0 claimed by the Plaintiff was paid to him and the difference disallowed for one or the other of the following reasons:-

(i) Excess claims with reference to the actual number of appearing pages.

(ii) Wrong claims under double column printing instead of single column printing.

(iii) Mingling of claims pertaining to different type sizes

(iv) Claims above the maximum rate fixed by Government in respect of alteration of heading to local boards.

The claims were subject to scrutiny of the Superintendent of the Government Press; and the Superintendent had properly disallowed these portions of the claims as being wrong or unjustifiable.

4. The defendant submits that the sum of Rs.1766-12-0 could not be paid to the plaintiff earlier as certain formalities had to be observed before payment was made. As for the balance of Rs.555-7-8, mentioned in the plaint, the defendant submits that the plaintiff has no claim whatever to the amounts disallowed on scrutiny by the Superintendent, Government Press; the only claim disallowed owing to defective presentation was Rs.15-1-6 in regard to the Panchayat Board rolls; that out of this, Rs.5-9-6 claimed as contingent charges was inadmissible and that the balance was not paid to the plaintiff as he did not prefer a supplemental bill enclosing specimen copies.

5. The defendant does not admit the averments in the plaint which have not been specifically traversed above and puts the plaintiff strictly to the proof thereof.

6. With regard to para 3 (g) of the plaint, the defendant states that plaintiff was paid at the maximum rate.

7. The defendant prays, therefore, that the plaintiff's claim may be dismissed with costs.

/True Copy/

Public(Elections) ~~Department~~.

Endorsment No.11021-4 dated 28th July, 1941.

Forwarded to the Board of Revenue, through which this should have come, for resubmission to Government with its remarks.

(By Order'

Sd/-
Under Secretary to Govt.

To the Board of Revenue with records.

DRAFT FOR APPROVAL.

Initials.

When received for fair copying ..	1.2.41	
When copied ..	2 AUG 1941	
When examined ..		
When signed ..		
When despatched		

(J B D)

SUBJECT :— Elections - (S. Kanara) Electoral Rolls 1937 - arrears of printing charges - suit filed by the Manager, Hari Hara Press, Puttur.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO* :—

No. _____ From the Supdt, Govt. Press PP, No. 712, dated 6.5.41 19 pp 11-14 ✓

" _____ " _____ " _____ " _____ 19____

" _____ " _____ " _____ " _____ 19____

Order / Resolution Ms. / Rout. No. _____, dated Ref :- A-1139-41-3 dy 2 19.8.41

pp 12-14 cf

p 9 cf

p 14 cf

Time very urgent
if possible to pay
Rs — do —
-/- p 9 cf

According to the statement enclosed with the Supdt's letter (to the Govt cited) above, a sum of Rs 1766-11-6 is due for payment to the Hari Hara Press against Rs 2322-3-8 claimed by it. In para 1 of the same letter it has been stated that the claim of the Press as passed for payment by the Supdt. Govt Press was based on the permissible maximum rate as fixed by the Govt (Public Election Deptt) in their memo no 3604-2 dy 8-2-38. The Supdt Govt

Press is requested to report urgently the approximate amount that would have been due to the Press had it been paid at the rates prevailing on 7.1.38 when it accepted the offer of printing ~~this~~

2/ The Manager of the Hari Hara Press has since filed a suit against the Govt claiming among other things, that the should be paid at the rates as they stood on 7.1.38. The information called for in para 1 above is required very urgently for the purpose of deciding on the question of defending the suit.

18.69 (15)

To The Supdt Govt Press.

Encl

KG
28/41 18/2.8.41

ERO Supdt Govt Press
15/8

[R 15.8.41]

ERO 1st Class
3144/41.
15/8

Ff.(L.R.)

385

T.H ~~Supdt. Section~~.

From the ~~Asstt Secretary~~
Attached.
Bd. of Rev (L.R.)

TO

The supdt Govt Press.

Madras.

Subj:- Elections - S. Kanara -
Electoral rolls. 1937-
arrears of printing
charges. Suit filed
by the Manager, Hari
Hara Press, Pattur.

Please ~~arrange to send~~ let me know at once what
a reply to the BOI refer
A no 1139-41-3 dt 2-8-41
may be expected
~~at a very early date~~ as
the Govt are pressing for
an urgent report ~~from the~~

~~Bd~~

(By order)

Issue at once

pp 33-34 4

4
15/8/41

4
15/8/41

Issued
4
18/8

Answer at once
task submitted
requested
21/8

P. 304—46,838 Bks.—10-12-38.

OFFICE OF THE _____

Dated 16/8/41 193

_____ Hours _____ Minutes.

TELEPHONIC MESSAGE

From The Under Secretary

To The Asst. Secy Bdg Dept

Reg. Transfer 15/8/41 re Electoral Roll Skanaad. Electoral rolls, 1937 — Arrears of writing etc Details are being worked out & a reply will be sent on Monday the 18th inst.

Asst (Adl)

Submitted for personal

Notice of yr. 16/8 ICJ 19841

ICJ 19841

Dir S.G.P's reply may be awaited till 20.8.41 (The date of hearing is on 3.10.41)

C.F. 32.

..... DEPARTMENT.

In reply, please quote number, date and short title of this BOARD OF REVENUE

Received 21 AUG 1941 A3235 MADRAS

Registered

From (Name) A. Lepper Esq.,

(Designation) Superintendent, Government Press, Madras.

Post Box ....., (Station) .....

Telegraphic Address .....

To

The Assistant Secretary, Board of Revenue, Madras.

No. Comp/Mis, *dated* 20th August 1941.

Sir,

Elections (South Kanara) - Electoral Rolls 1937 - Arrears of printing charges - suit filed by the Manager, Hari Hara Press, Puttur.

ENCLOSURE: 1 Copy

pp33-34 4-

SPARE COPIES nil available

With reference to Board's Ref. A. No. 1139-41-3 dated 2-8-41 I have the honour to state that the ~~RR~~ prevailing rates on 7-1-38, the day on which the offer of printing was accepted are those approved in Government Memorandum No. 19683-2 dated 26-8-37. These rates are generally less by two annas for every page, and did not include charges for

altering

altering the headings in respect of printing the local bodies electoral rolls.

2. A statement showing the approximate amount that would have been due to the Press at the rates prevailing on 7-1-38 is enclosed herewith.

£41-42cfs

Superintendent.

RNM.

2978

ENCLOSURE.

Details of Works.		Amount admissible as per rate prevailing on 7-1-1938. Rs. A. P.
A. Puttur Taluk.		
1. General Constituency	..	432 4 0
-do- Suppt.	..	5 11 0
Alteration of heading D.B.	..	23 0 0
Binding charges	..	...
2. Muhammadan	..	36 12 0
		78 12 0
		3 8 0
Alteration of heading D.B.	..	23 0 0
Gathering, collating, etc.	..	...
3. Indian Christian	..	14 0 0
		72 8 0
		1 12 0
Alteration of heading D.B.	..	23 0 0
Gathering, collating etc.	..	...
B. Kasargod Taluk.		
1. General	..	486 8 0
		0 14 0
Alteration D.B.	..	14 4 0
Gathering and collating	..	...
2. Muhammadan	..	267 5 0
		0 14 0
Alteration D.B.	..	14 4 0
Gathering, Collating	..	...
3. Indian Christian	..	6 2 0
		51 4 0
		0 14 0
Alteration D.B.	..	14 4 0
Gathering, collating	..	...

1570 12 0

			Rs.	A.	P.
Paper cost	..		65	4	0
Claim and objection statement of for Indian Legislative Assembly	..		...		
-do-	..		...		
Contingent Charges	..		...		
	Total	Rs.	1,636	0	0

Government Press,
Madras, 20-8-1941.

Superintendent.

St(LR)

43

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying	29/8	
When copied	29/8	
When examined	30/8	
When signed		
When despatched.		

SUBJECT: (JBA) Suits - (S Kanara) Puttur Srnc 05180/41 ~~Elections (S Kanara)~~ - Electoral Rolls. 1937 - arrears of printing charges - suit filed by the Manager, Hari Hara Press, Puttur - defence - BDS remarks submitted.

READ AGAIN _____, dated _____ 19____

" " _____ " _____ 19____

READ *ALSO*:—

No. _____ From the Coll. of S Kanara, No. Ref A-3-6698-40, dated 25-3-1941 pp1-4

" _____ " Public (Elections) Dept memo no 11021/41-2 dt 15-5-41 pp9-

" _____ " " " Endt no 11021/41-4 dt 18-7-41 p31

~~Order~~ Resolution ~~Ms.~~ Rout. No. 2391 dated Supdt Govt Press, no comp. Misc dt 20-8-41 pp39-

29/4

p2 4 para 2

submitted to the Govt.

One of the

4. ~~The main~~ contentions of the plaintiff is that the rat prescribed by the Govt for printing work have been reduce subsequent to the Contract on 7.1.38 and that he is entitle to be paid at the rates in force on the day when the offer of printing was accepted by him. The Bd has ascertained from the S.G.P that ~~he submits that there was no~~ intention to pay him at reduced rates as alleged by ~~the plaintiff as the latter~~ ~~would have received only abo~~

that the amount payable to the plff.
at the rates wh. prevailed on 7-1-38 would be only about
Rs 1636/ ~~whereas the Govt~~ p 12 4
as apt/ the amount (i.e. Rs 1766-11-6) p 14 4
~~allowed them made.~~ As the
actually paid to him was Rs 1766-11-6
~~in accordance~~, the plaintiff
cannot have any legitimate
~~cause for~~ grievance even on this ground / the Bd
~~in~~ considers that this is a
fit case for defence and
~~of the Bd~~ would accordingly
suggest ~~to the Govt~~ the addition
of the following to para 6 of p 30 of
the written statement:-

"There was in fact no
intention to pay him at less
than the prevalent rates. The
amount that would have
been payable at the rates
as they prevailed on 7.1.38
when the work was offered
to the plaintiff would be
only Rs 1636-0-0. The p 42 of
plaintiff's contention in para
3(g) of the plaint is thus baseless". p 27 of.

8/8/8

14/4
28/8/41
8/8/41

ON

In F.C, "about Rs 1636
as apt the amount actually
paid" has been typed
as "a fact as against
Rs 1636". The typist &
examiner may explain
before 2-9-41

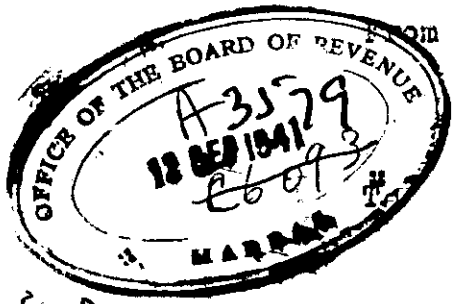
NS
30/8.

The secy to Govt.
Public (Elections) Deptt.
(with the covg letter at pp 1T-3
in original) + enclo + enclo as
pr index at p 19

45

Urgent.
Ref.A3-6698-40.

South Kanara Collector's Office,
Camp: Kasaragod, 9th Septr. 1941



M. V. Subrahmanyan, Esq., I.C.S.,
Collector of South Kanara.

The Chief Secretary to Government,
Public (Elections) Department,
Madras.

Through

The Secretary to the Board,
Land Revenue and Irrigation,
M a d r a s.

Sir,

Suits - Puttur District Munsif's Court - O.S.180/41 -- Elections - Electoral Rolls, 1937 - Final rolls - Provincial Legislature - Printing charges - arrears of payment--

******

I request the favour of early orders on my Ref.A3-6698-1940, dated 24-7-1941, on the above subject. The suit stand posted to 3-10-1941.

For Collector.

46

I

AS(LR)

Diary No 2391 dt 29.8.41 – Q

A 3579/41. II (A) overleaf

RECEIVED
16 SEP 1941

Subject:- Same as overleaf

1.P.M

Ref:- A 3579-41-1 dt 15-9-41

Submitted to the Govt: ~~for orders~~.

15/9

15/9/41

Issue to Govt

15/9/41

15/9

To the Secy (Chief) to Govt
Public (Elections) Dept

R See
Please

OFFICE OF THE BOARD OF REVENUE
F 3672
18 SEP 1941
MADRAS
GOVERNMENT OF MADRAS

Received . . . . . 1941.

S. CY.
19 SEP 1941

Registered . . 19 SEP 1941 . 1941.

Abstract.

Suits - South Kanara - Puttur District Munsifs Court - Electoral rolls, 1937 - Arrears of printing charges - Suit filed by the Manager, Harihara Press, Puttur - Defence of the suit - Orders passed -

---

Public (Elections) Department.

G. O. No. 2051, dated the 18th September 1941.

Read the following :-

From the Board of Revenue, Misc. No.2391, dated 29th August 1941.

****

O R D E R :-

Sanction is accorded for the defence of the suit in O.S.No. 180/1941 on the file of the District Munsif's Court, Puttur.

2. The draft written statement submitted by the Board of Revenue with its reference read above, with the addition suggested by it, is approved subject to the following further addition:-

In paragraph 3 of the written statement, the following should be added after reason (4), namely:-

"(5) Claims for gathering, collating, etc., which are not separately allowed in addition to the rate per ₹ page".

(By Order of His Excellency the Governor)

DESPATCHED
23 SEP 1941

S. V. Ramamurty
Chief Secretary to Government.

To the Board of Revenue (with enclosures)
To the Collector of South Kanara through the Board of Revenue.
Copy to the Revenue Department.
Copy to the Superintendent, Government Press (with copies of Board's Reference and the written statement).
To the Finance Department.
To the Accountant-General through Finance Department.

****

Forwarded /By order/

T. N. Aravoorkam
Superintendent.

Elections - (S. Kanara) - Electoral Rolls. 1937 - arrears of printing charges - Suit notice given by the Manager, Hari Hara Press, Puttur

A 1139/41 From the Collr of S Kanara A3.

b1-6 cl 6698-110/25-3 41

b7 cl ~~From the~~ BO's refce A 1139-41-1 dy 3.11.41.

p9 cl- From the Public Elections deptt memo 11021/41-2 dy 15-5-41

b15 cl Collr of S. Kanara no nil/26.6.41.

TO A-S(LR)

The file relates to a suit notice given by the Manager, Haribara Printing Press, Puttur in respect of arrears alleged to be due to the Press for the printing of electoral rolls for the year 1937.

The amount claimed on behalf of the Press is Rs 2322.3.8 while b1 cl what allowed by the Govt Press is Rs 1766.12.0. The amount do involved in the present suit notice is ∴ Rs 555.7.8. Details of the claims for the printing work done by the Press as preferred by it, and those admitted by the Govt Press are given at pp 11-13 cl. The Govt have asked the Collector to report whether the entire claim made by the printing

should be allowed in the circumstances stated by the asstt. govt Press. The Collr now reports that the printing press has filed a suit, that it stands posted to 3.10.41 and that his remarks on the govt memo will be furnished in a month along with the report applying for sanction for the defence of the suit. It is not known whether the Govt are aware of the filing of the suit. ~~and it seems desirable to keep them informed of it~~. For orders whether a copy of the Collr's reply to the Ex. Rem. at p 15 cf. may be submd to the Govt for information. The Collr. may be reminded on 1-8-41.

b9 cf

2/7/41 (8) 2-7

AS(LR)

To AS(L.R)

Draft submitted at p 16 cf

3.7

2/7/41

from the Public (Election) Deptt memo no 11021/41-2 dt 15-5-41

Endt no 11021-4

p 15 cf

Hg 3-10-41

TO AS(C.W)

With reference to the Govt memo
Dt 15.5.41, the Collector has submitted
a report on the question of payment
of the arrears sums alleged to be due
to the Hari Hara Press towards printing
charges. The main contentions of the
plaintiff is that the rates prescribed
by the Govt for printing work have
been reduced subsequent to the contract
(on 7.1.38) that his claims were settled accordin
to the revised rates and that he is
entitled to be paid at the rates in
force on the date of contract It will
be observed that no agreement was
taken from the Press by the Res. Divl. Offic
before entrusting the work to it. The
letter of the R.D.O Dt 6.1.38 which is
in the form of an offer to the Press to
undertake the printing work indicates That
the promised payment "in accordance
with the rates prescribed by the Govt",
which means, the rates obtaining
on 7.1.38. The local G.P stresses this
point and considers that as payment
was made in accordance with the
rates prevailing a month later, the
suit could not be defended.

The Collr however differs from this view. He states that the claims on the bill had been made by the plaintiff himself and that the latter was paid at the maximum rates, and he is not entitled to any different rates. No doubt, this seems to be sound but the contention of the plaintiff seems to be equally strong. It appears doubtful if the B.O. can offer any definite remarks on the defence of the suit unless it has an idea of what the plaintiff could have received had the charges been paid at the rates obtaining on the date of this acceptance of the offer — i.e. 7.1.38. For orders whether the Income Tax Pers may be asked to ~~report on this~~ give an exact estimate of this. This is also what is suggested by the G.P; vide portion A on p23 of. The suit stands posted to 3.10.41 and there is sufficient time to consider the question. Para b of the Colr's draft written Sth does not answer para 3(g) of the plaint fully and clearly.

p19.1

– do –

p30 of para b

B

p18 of 2nd Sth

p30 of

p27 of.

B

31/7/41

31.7.41

2.8.41

ff:(1-1)

To AS(L·R)

Draft submitted.

Answ[illegible]

Secd a. T. M. & copy of above if no reply need by 3 P.M. tomorrow, proof copy see file overleaf.

(8-8-41)

ff:(1-1)

To AS(L·R)

A· T·M to the Supdt, Govt Press is put up as ordered above.

Date of hearing 3·10·41

ff:3-3 — 3-4 ff

Issued a Bill note A 1139-41-3 D/ 2-8-41. A3235/41 from the Supdt, Govt Press, no Comp. Rec· D/ 20-8-41.

ff:39-42, 1 ff

ff:(1-1)

To AS(L·R)

The notes at pp 3-4 ante may kindly be perused. According to the Supdt's letter D/ 6-5-41 wherein the printing charges were (said to have been) worked out with reference to the Govt memo D/ 8·2·38, a Sum of Rs 1766-11-6 is due for payment to the Press, but if the payment is to be made with reference to the rates prevailing on the date of (the offer ~~Contract~~, viz. 7·1·38 the total amount

ff:11-14 ff

due to the press works out to only Rs 1636-0-0 ~~plaintiff~~
the plaintiff has no legitimate
grievance ~~to be redressed~~. The Board X
may inform the Govt that this is a
strong case for defence. and
~~The Bd may also suggest to the~~
Govt that in view of the supdt's letter
~~of 20-5-41, the D.W. off at pp~~
suggest the addition of the
foll. to para 6 of the W.S. ~~pp 30 cf~~
" there was in fact no intention to pay
them at less than the prevalent rates.
The amount that would have been
payable at the rates as they prevailed
on 7.1.38 when the work was offered
to the plaintiff would be ~~about~~ only ~~pp 42 cf~~
Rs 1636-0-0 " and The plaintiff's contention
in para 3(g) of the plaint is thus baseless. " ~~pp 27 cf~~
RS ~~of~~ claims payment & ~~pp 2 of~~
charges at rates prevailing
at the time of contract. If
so, it comes to about Rs. 1636. On
the other he has got Rs. ~~1766-11-0~~ 1766-11-0
Rs. 130 more than what he would have
got. X above neg for
approval. For orders.

27 AUG 1941

Encl: S.No. 65 to

AS(LR)

Yes

TO AS (L.R)
Draft submitted.

B.P.No. Misc 2391
Dated 29/8/41

Single Number
~~Two Members~~
Full Board

Assistant Secretary.

I.A. A.D.S & L.R. L.R. Irrgn. Sep.Rev. J.S. Secy.

M. M. M.
3 2 1

1. Open file seen by ✓ ✓

2. Final draft seen by ✓

3. Now circulated to ✓

4. Initials

KG
3961

Passed for record.

Secretary.
Joint Secretary.

A.S. (L.R.)

A.S. (Irrgn.)

A.S. (Sep.Rev.) 3/9/41

A.D.S. & L.R.

I.A.

Note:-- Entries not required to be scored out.